

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

GUIDO'S EXPRESS INC. A/K/A KEY
PIZZA,

Plaintiff,

v.

WESTERN WORLD INSURANCE
COMPANY

and

AIG CLAIMS, INC.

Defendants.

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

Pursuant to Sections 1332, 1441, and 1446 of Title 28 of the United States Code, Defendants, Western World Insurance Company and AIG Claims, Inc. (hereinafter, "Defendants"), by and through its counsel, hereby gives notice of the removal of this action from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania, and as grounds for removal states as follows:

1. On or about September 6, 2023, Plaintiff, Guido's Express Inc. a/k/a Key Pizza (hereinafter "Plaintiff"), instituted suit by filing a Complaint against Defendants in the Pennsylvania Court of Common Pleas, Philadelphia County assigned as Case No. 230602627. A true and accurate copy of the Complaint is attached hereto as **Exhibit A**, as required by 28 U.S.C. § 1446(a).

2. Plaintiff's Complaint seeks damages for breach of contract in excess of \$50,000.00 in compensatory damages, delay damages, and interest and allowable costs of suit. See Exhibit A.

3. More specifically, paragraph 10 of Plaintiff's Complaint affirms that "On or before December 20, 2022, Guido's presented a Notice of Claim and Proof of Loss of Business Personal Property ("BPP") in an amount in excess of \$152,000 to Western World and its authorized administrator, AIG Claims, Inc..." See Exhibit A.

4. As such, during the investigation of this claim, Plaintiff presented a BPP Valuation Form totaling \$345,700. A true and accurate copy of the BPP Valuation Form is attached hereto as **Exhibit B**.

5. Further, Plaintiff's Case Management Memorandum as to its filing in the Philadelphia Court of Common Pleas states the amount of damages claimed by Plaintiff as \$152,000. A true and accurate copy of Plaintiff's Case Management Memorandum is attached hereto as **Exhibit C**.

6. The total amount of damages Plaintiff seek to recover from Defendants is of an amount in excess of \$75,000.00, exclusive of interest and costs.

7. The basis for federal court jurisdiction is 28 U.S.C. § 1332, diversity of citizenship, which provides, in relevant part, that federal district courts have original jurisdiction of civil actions between citizens of different states where the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

8. "[A]ny civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant to the district court of the United States for the district and division embracing the place where such

action is pending.” 28 U.S.C. § 1441(a). The Eastern District of Pennsylvania is the district that embraces Philadelphia County.

9. Section 1446(b) provides as follows:

(b) The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

10. This Notice of Removal is timely in that it was filed within thirty (30) days from the point at which Defendants had notice that the action was removable, and less than a year after the commencement of the state court action. 28 U.S.C. § 1446(b).

11. Upon information and belief, Plaintiff is, and was at the time the Complaint was filed in Pennsylvania state court, a citizen of Pennsylvania. Plaintiff’s address on the Complaint is listed as 2329 E. York Street Philadelphia, PA 19125.

12. Defendant, Western World Insurance Company is, and was at the time the Complaint was filed in Pennsylvania state court, a New Hampshire corporation with its principal place of business in New York, NY.

13. Defendant, AIG Claims, Inc. is, and was at the time the Complaint was filed in Pennsylvania state court, a Delaware corporation with its principal place of business in New York, NY.

14. A copy of this Notice of Removal is being filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania, and is being served on counsel of record, in compliance with 28 U.S.C. § 1446(a), (d). See, a true and accurate copy of the Notice of Filing of Removal attached hereto as **Exhibit D**.

15. Pursuant to 28 U.S.C. § 1446(a), copies “of all process, pleadings, and orders” received by Defendants are attached hereto. Defendants have not answered or otherwise responded to the Complaint.

16. Removal of Plaintiff’s case to the United States District Court for the Eastern District of Pennsylvania is required under the circumstances of this case because all parties are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

WHEREFORE, Defendants, Western World Insurance Company and AIG Claims Inc., respectfully removes this action to the United States District Court for the Eastern District of Pennsylvania for further proceedings pursuant to this Notice.

BUTLER WEIHMULLER KATZ CRAIG LLP

s/ Richard D. Gable, Jr.

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Attorneys for Defendants, Western World

Insurance Company and AIG Claims Inc.

Dated: October 6, 2023

CERTIFICATE OF SERVICE

I, Richard D. Gable, Jr., hereby certify that, on this 6th day of October, 2023, a true and correct copy of the foregoing Notice of Removal will be served via the Court's Electronic Filing System on the following counsel of record:

Walter J. Timby, III, Esq.
Paul Fellman, Esq.
Gibson & Perkins, P.C.
100 W. 6th Street, Suite 204
Media, PA 19063
Attorneys for Plaintiff

s/ Richard D. Gable, Jr.

RICHARD D. GABLE, JR., ESQ.